

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MOSAIC POTASH CARLSBAD, INC.,

Plaintiff/Counter-Defendant,

vs.

Civ. No. 16-808 KG/SMV
Cons. With Civ. No. 17-1268 KG/SMV

INTREPID POTASH, INC., INTREPID
POTASH-NEW MEXICO, LLC, and
STEVE GAMBLE,

Defendants/Counterclaimant.

ORDER

This matter comes before the Court upon *pro se* “Defendant Counterclaimant Gamble [sic] Motion to Join in Entirety All Pretrial Motions Presented by Intrepid Potash, Inc., and Intrepid Potash-New Mexico, LLC” (Motion to Join) and the Addendum to the Motion to Join, both filed on May 15, 2019. (Docs. 229 and 230). No response to the Motion to Join was filed.¹

Defendant/Counterclaimant Steve Gamble (Gamble) seeks to join in the following motions filed by Defendants Intrepid Potash, Inc. and Intrepid Potash-New Mexico, LLC (collectively, Intrepid): Intrepid’s Motion to Strike Untimely Damages Disclosures [sic] in Mosaic’s Third Amended Initial Disclosures; Intrepid’s Daubert Motion to Exclude Opinion Testimony of Plaintiff’s Experts Carlos Perucca and William Chavez; and Intrepid’s Motion for Summary Judgment and Memorandum in Support. (Docs. 208, 213, and 215).

Gamble conferred with Plaintiff/Counterdefendant Mosaic Potash Carlsbad, Inc. (Mosaic) and Intrepid prior to filing the Motion to Join. (Doc. 230) at 1. According to Gamble, Mosaic opposes Intrepid’s motions, but Mosaic “will defer whether Mosaic opposes Gamble

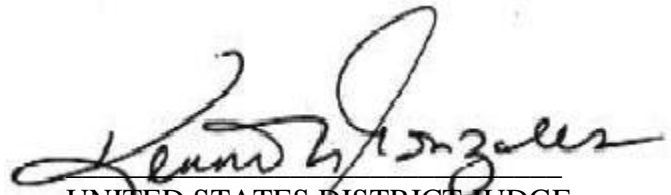
¹ Any responses were due on June 5, 2019. (Doc. 205) at 2.

joining Intrepid's Motions." *Id.* This statement by Gamble in addition to the failure by Mosaic or Intrepid to file a response to the Motion to Join, constitutes consent to grant that motion. *See* D.N.M. LR-Cv 7.1(b) (stating that "[t]he failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion").

IT IS ORDERED that

1. Defendant Counterclaimant Gamble [sic] Motion to Join in Entirety All Pretrial Motions Presented by Intrepid Potash, Inc., and Intrepid Potash-New Mexico, LLC (Doc. 229) is granted; and

2. Gamble joins in (1) Intrepid's Motion to Strike Untimely Damages Disclosures [sic] in Mosaic's Third Amended Initial Disclosures (Doc. 208); (2) Intrepid's Daubert Motion to Exclude Opinion Testimony of Plaintiff's Experts Carlos Perucca and William Chavez (Doc. 213); and (3) Intrepid's Motion for Summary Judgment and Memorandum in Support (Doc. 215).



UNITED STATES DISTRICT JUDGE